



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5429

Introduced 2/5/2010, by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

New Act

Creates the Homeowners' Solar Rights Act. Provides that each homeowners' association and condominium unit owners' association shall adopt an energy policy statement concerning the location, design, and architectural requirements of solar energy systems or other energy devices. Provides that any entity that complies with the Act is not liable to any other resident or third party for such compliance. Provides that the Act does not apply to a building more than 30 feet in height. Includes other provisions.

LRB096 18011 AJ0 33383 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Homeowners' Solar Rights Act.

6 Section 5. Legislative intent. The legislative intent in
7 enacting this Act is to protect the public health, safety, and
8 welfare by encouraging the development and use of renewable
9 resources in order to conserve and protect the value of land,
10 buildings, and resources by preventing the adoption of measures
11 which will have the ultimate effect, however unintended, of
12 increasing the costs of owning and operating commercial or
13 residential property beyond the capacity of private owners to
14 maintain.

15 Section 10. Associations; prohibitions. Notwithstanding
16 any provision of this Act or other provision of law, the
17 adoption of a bylaw or exercise of any power by the governing
18 entity of a homeowners' association, property owners'
19 association, or condominium unit owners' association which
20 prohibits or has the effect of prohibiting the installation of
21 a solar energy system or other energy device based on a
22 renewable resource is expressly prohibited.

1 Section 15. Deed restrictions; covenants. No deed
2 restrictions, covenants, or similar binding agreements running
3 with the land shall prohibit or have the effect of prohibiting
4 a solar energy system or other energy device based on a
5 renewable resource from being installed on a building erected
6 on a lot or parcel covered by the deed restrictions, covenants,
7 or binding agreements. A property owner may not be denied
8 permission to install a solar energy system or other energy
9 device based on a renewable resource by any entity granted the
10 power or right in any deed restriction, covenant, or similar
11 binding agreement to approve, forbid, control, or direct
12 alteration of property. However, for purposes of this Act, the
13 entity may determine the specific location where a solar energy
14 system or other energy device may be installed on the roof
15 within an orientation to the south or within 45 degrees east or
16 west of due south provided that the determination does not
17 impair the effective operation of the solar energy system or
18 other energy device. Each homeowners' association and
19 condominium unit owners' association shall adopt an energy
20 policy statement regarding the location, design, and
21 architectural requirements of solar energy systems or other
22 energy devices. An association shall disclose, upon request,
23 its energy policy statement and shall include the statement in
24 its homeowners' or condominium unit owners' association
25 declaration.

1 Section 20. Standards and requirements. A solar energy
2 system or other energy device based on a renewable resource
3 shall meet applicable standards and requirements imposed by
4 State and local permitting authorities. A solar energy system
5 shall be certified by the Solar Rating and Certification
6 Corporation (SRCC) or another similar nationally recognized
7 certification entity.

8 Section 25. Application for approval. Whenever approval is
9 required for the installation or use of a solar energy system
10 or other energy device, the application for approval shall be
11 processed and approved by the appropriate approving entity in
12 the same manner as an application for approval of an
13 architectural modification to the property, and the
14 application shall not be willfully avoided or delayed.

15 Section 30. Violations. Any entity, other than a public
16 entity, that willfully violates this Act shall be liable to the
17 applicant or any other party affected by a willful violation of
18 this Act for actual damages occasioned thereby and for any
19 other consequential damages. Any entity that complies with the
20 requirements of this Act shall not be liable to any other
21 resident or third party for such compliance.

22 Section 35. Costs; attorney's fees. In any litigation

1 arising under this Act, the prevailing party shall be entitled
2 to costs and reasonable attorney's fees.

3 Section 40. Inapplicability. This Act shall not apply to
4 any building which is greater than 30 feet in height.